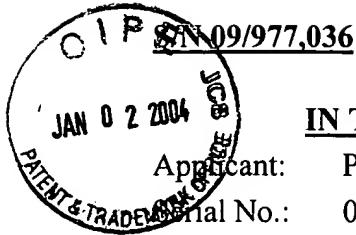


EXPEDITED PROCEDURE – EXAMINING GROUP 3721



PATENT

1/11/04
1/30/04
R/19/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul R. Wingert Examiner: Thanh K. Truong
Serial No.: 09/977,036 Group Art Unit: 3721
Filed: October 11, 2001 Docket No.: 671.003US1
Title: AGRICULTURAL BAGGER WITH UPPER TUNNEL COMPACTION AND CHUTE
AGITATION

SUPPLEMENTAL AMENDMENT & RESPONSE UNDER 37 C.F.R. 1.116

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed October 24, 2003 and the final Office Action mailed June 30, 2003, please amend the application as follows:

If needed, please consider this a petition for extension of time for a sufficient number of months to enter these papers, and charge any required fee to deposit account 502931.

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Examiner Interview Summary

Applicant's Attorney Charles A. Lemaire and Examiner Truong conducted a telephone interview on July 28, 2003. It was agreed that operation of the clean-out mechanism of Rasmussen (i.e., pushing plate 86 to its extended position (the left-hand dotted position of Figure 2)) during operation of the primary compression mechanism would result in failure of that apparatus due to feed being forced behind the cleanout plate, preventing resetting of the cleanout plate to its retracted position, and preventing feed from being extruded into the agricultural feed bag. This feed would be difficult to remove and would stop operation of the machine, defeating its intended purpose.

Claim 19 was discussed but no agreement as to the claims was reached. Examiner Truong insisted that functional language in claim 19 had no patentable weight. Examiner Truong suggested that a means-plus-function claim would be the only way to have functional limitations in an apparatus claim. Applicant's Attorney disagreed with the Examiner on both issues. Further, claim 37 already presents such a means-plus-function claim.